

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

QUINTEZ TALLEY,)	
)	Civil Action No. 2: 15-cv-1646
Plaintiff,)	
)	Senior Judge Nora Barry Fischer
v.)	
)	
SGT. DAVIS, et al.,)	
Defendants.)	

MEMORANDUM ORDER

The above captioned case was initiated by pro se Plaintiff Quintez Talley on December 15, 2015, with the filing of Motion for Leave to Proceed in forma pauperis and was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court. (Docket No. 1). On January 7, 2016, the Magistrate Judge advised Plaintiff that the motion was deficient as it was not accompanied by either an affidavit or a certified copy of his prison trust fund account statement as required by 28 U.S.C. § 1915(a)(1). The Magistrate Judge dismissed the motion without prejudice and directed the Clerk of Court to mark the case administratively closed. (Docket No. 2).

The case remained dormant until January 22, 2021, when Plaintiff filed a motion for clarification inquiring about the status of his case. (Docket No. 5). On January 25, 2021, the Magistrate Judge informed Plaintiff that the case had been administratively closed five years earlier on January 7, 2016. (Docket No. 6). On February 17, 2021, Plaintiff submitted an affidavit and addendum in support of his Motion for Leave to Proceed in forma pauperis as well as a certified copy of his prison trust account statement for the period July 2015 through December 2015. (Docket Nos. 7, 8, and 9).

On March 22, 2021, the Magistrate Judge issued a Report recommending that, pursuant to *Poulis v. State Farm Fire & Cas. Co.*, 747 F.2d 863 (3d Cir. 1984), the case be dismissed for failure to prosecute. (Docket No. 11). Plaintiff was served with the Report and Recommendation at his listed address of record and advised that written objections were due by April 9, 2021. To date, no objections have been filed nor has Plaintiff sought an extension of time in which to do so.

The Court has reviewed the matter and concludes that the Report and Recommendation correctly analyzes the issues and makes a sound recommendation. Accordingly, after *de novo* review of the pleadings and documents in this case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 19th day of April, 2021:

Because Plaintiff made no effort for over five years to move this case forward, the Court agrees with the recommendation that the majority of the *Poulis* factors weigh heavily in favor of dismissal, it is, therefore,

IT IS ORDERED that the Report and Recommendation (Document No. 11) dated March 22, 2021, is ADOPTED as the Opinion of the Court;

IT IS FURTHER ORDERED that the Clerk of Court mark this case CLOSED; and,

FINALLY, IT IS ORDERED, that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

BY THE COURT:

s/ Nora Barry Fischer
Nora Barry Fischer
Senior U.S. District Judge

cc: QUINTEZ TALLEY
KT5091
SCI Fayette
50 Overlook Drive
LaBelle, PA 15450
(via U.S. First Class Mail)